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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 ERIC LEE, ) No. C 12-0179 LHK (PR)  
11 )  
12 Petitioner, ) ORDER OF DISMISSAL  
13 )  
14 v. )  
15 )  
16 WARDEN RANDY GROUNDS, )  
17 )  
18 Respondent. )  
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17 Petitioner, a state prisoner proceeding *pro se*, seeks a writ of habeas corpus pursuant to  
18 28 U.S.C. § 2254 challenging a 2010 decision by the California Board of Parole Hearings  
19 (“Board”) finding him unsuitable for parole. For the reasons stated below, the Court  
20 DISMISSES the petition for failure to state a cognizable claim for relief.

21 **DISCUSSION**

22 A. Standard of Review

23 This Court may entertain a petition for writ of habeas corpus “in behalf of a person in  
24 custody pursuant to the judgment of a state court only on the ground that he is in custody in  
25 violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a); *Rose*  
26 *v. Hodges*, 423 U.S. 19, 21 (1975).

27 A district court shall “award the writ or issue an order directing the respondent to show  
28 cause why the writ should not be granted, unless it appears from the application that the

1 applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.

2 B. Petitioner’s Claims

3 As grounds for federal habeas relief, Petitioner alleges that the Board violated his due  
4 process rights because there was no evidence to support the Board’s denial of parole. However,  
5 the Supreme Court has made clear that a prisoner’s federal due process claim regarding a denial  
6 of parole is limited to whether he received the minimum procedures necessary under the federal  
7 constitution. *Swarthout v. Cooke*, No. 131 S. Ct. 859, 862 (2011) (per curiam). Specifically, this  
8 Court’s inquiry is limited to whether Petitioner was given an opportunity to be heard, and given  
9 a statement of reasons for the denial. *Id.*, citing *Greenholtz v. Inmates of Neb. Penal and*  
10 *Correctional Complex*, 442 U.S. 1, 16 (1979). Petitioner’s exhibits demonstrate that he was  
11 given those minimum protections. Thus, Petitioner’s allegations fail to state a cognizable claim  
12 for federal habeas relief. *See id.*

13 **CONCLUSION**

14 Accordingly, this case is DISMISSED for failure to state a claim. The Clerk shall close  
15 the file and enter judgment in this matter.

16 **CERTIFICATE OF APPEALABILITY**

17 A certificate of appealability will not issue. Reasonable jurists would not “find the  
18 district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*,  
19 529 U.S. 473, 484 (2000). Petitioner may seek a certificate of appealability from the Court of  
20 Appeal.

21 IT IS SO ORDERED.

22 DATED: 1 / 23 / 12

23   
LUCY H. KOH  
United States District Judge